

REMARKS

This is in response to the Office Action mailed May 20, 2004. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

The Specification has been amended to modify language concerning the subject application's priority claims. Claims 1 - 12 have been cancelled. New claims 13 - 28 have been added to clarify the subject matter that is sought to be patented. No prosecution history estoppel results from the within claim amendments because these amendments are being made to clarify the claimed subject matter. No new matter is believed to have been added to the subject application as a result of the within claim amendments.

In the Office Action, the Examiner has rejected claims 1, 2, 4-7, and 9-11 under 35 USC § 102 as being anticipated by Paul et al. (U.S. Patent No. 6,314,465) and/or Lewis et al. (U.S. Patent No. 6,553,376), taken singly, and has rejected claims 3, 8, and 12 under 35 USC § 103 as being rendered obvious by the combination of Paul et al. in view of Murata (U.S. Patent No. 6,170,013) and/or by the combination of Lewis et al. in view of Murata. As stated above, claims 1 - 12 have been cancelled and replaced with new claims 13 - 28. Accordingly, the Examiner's remarks concerning claims 1 - 12 will be redirected to new claims 13 - 28. It is respectfully submitted that new claims 13 - 28 are patentably distinguished over Paul et al., Lewis et al., and Murata, whether taken singly, or in any combination.

Paul et al. discloses a load sharing technique for use in a wide area network. In Paul's disclosed technique, minimization of request latency, rather than pure load balancing, is the goal. Paul's disclosed load sharing technique minimizes such latency by determining probabilities or weights with which web requests are redirected over the network to web servers so as to minimize average delay of all connections across all servers per unit time. See, e.g., Paul et al.'s Abstract and Paul et al., column 2, lines 14 - 46).

Lewis et al. discloses a system in which a file cache is located at a point of presence such as at an Internet Service Provider or gateway. A redirection function intercepts media redirection file requests sent to or from the media server and rewrites such requests so as to point to a local media file cache. See Lewis et al.'s Abstract.

Murata is cited by the Examiner as disclosing a least recently used policy for removing data from a cache. See Office Action, page 4. Suffice it to note that, even assuming, arguendo, the Examiner's characterization of Murata is correct, no combination of Paul et al., Lewis et al., and/or Murata can be said to disclose or suggest the inventions of Applicant's new independent claims. For example, in contrast to the aforesaid prior patents, Applicant's new independent claim 13 recites:

A method comprising:  
in response to one request to retrieve an object, selecting one control node to retrieve the object;  
retrieving, by the one control node, the object from a storage node;  
storing the object in a cache at the one control node;  
in response to a subsequent request to retrieve the object, selecting another control node to retrieve the object;  
retrieving, by the another control node, the object from the storage node;  
and  
storing the object in a cache at the another control node.

Also in contrast to the aforesaid prior patents, Applicant's independent claim 19 recites:

A method comprising:  
in response to a plurality of requests for retrieval of an object, selecting control nodes to retrieve the object from a storage node, the selecting being based upon availability of each of the control nodes to retrieve the object; and  
storing the object in respective caches in the control nodes.

The other currently pending independent claims contain limitations that are similar, in substance, to the limitations of claims 13 or 19. These specific combinations of features of the claimed inventions are nowhere disclosed or suggested by any combination of the prior patents relied upon by the Examiner, and result in advantages that cannot be achieved by the

arrangements disclosed in said prior patents. For example, although the claims are not limited to or by the embodiments disclosed in the Specification, in the context of one such embodiment, the above claim features permit this embodiment to operate in a manner that is different from, and achieve advantages not achieved by, the arrangements disclosed in these prior patents. See, e.g., Specification, page 36, line 1 to page 38, line 15.

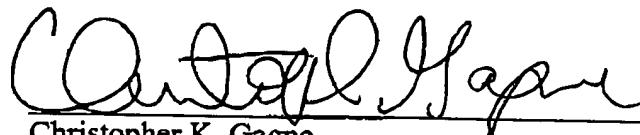
For these reasons, among others, it is respectfully submitted that no combination of these three prior patents anticipates or renders obvious the claims. Thus, it is respectfully submitted that the Examiner's aforesaid rejections of the claims as being anticipated or rendered obvious by various combinations of Paul et al., Lewis et al., and/or Murata has been overcome.

In the event that the Examiner deems personal contact desirable in the further disposition of this case, the Examiner is invited to call the undersigned attorney at 480-715-4055.

Please charge any shortages and credit any overcharges to Deposit Account number 02-2666.

Respectfully submitted,

Date: 7/21/04



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